

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER

6:20-CR-06101 EAW

JANCARLOS GONZALEZ-RIVERA,

Defendant.

Defendant Jancarlos Gonzalez-Rivera (“Defendant”) stands accused by way of a Superseding Indictment returned on March 25, 2021, with a narcotics conspiracy in violation of 21 U.S.C. § 846 (count one), possession of fentanyl with intent to distribute in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A) and 18 U.S.C. § 2 (count three), possession of cocaine with intent to distribute in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B) and 18 U.S.C. § 2 (count four), maintaining a drug-involved premises in violation of 21 U.S.C. § 856(a)(1) and 18 U.S.C. § 2 (count five), possession of firearms in furtherance of drug trafficking crimes in violation of 18 U.S.C. §§ 924(c)(1)(A)(i) and 2 (count six), and conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h) (count twenty-four). (Dkt. 394). This Court referred all pretrial matters in the case to United States Magistrate Judge Mark W. Pedersen pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). (Dkt. 139; Dkt. 629).

On February 17, 2022, Magistrate Judge Pedersen issued a Report and Recommendation recommending that this Court deny Defendant’s pretrial motion to

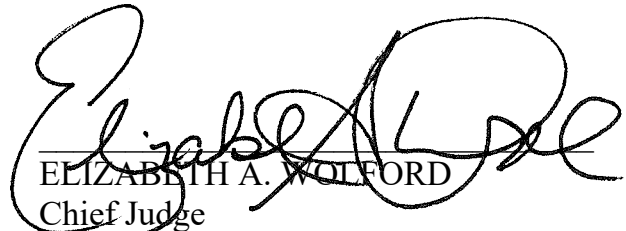
suppress physical evidence and statements. (Dkt. 630; *see* Dkt. 260; Dkt. 262).¹ Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. Neither party has filed objections.

The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. Fed. R. Crim. P. 59(b)(2) (“Failure to object in accordance with this rule waives a party’s right to review.”); *see Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009) (to trigger the *de novo* review standard, objections to a report “must be specific and clearly aimed at particular findings in the magistrate judge’s proposal”).

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Pedersen. Therefore, the Court accepts and adopts the Report and Recommendation in its entirety. (Dkt. 630). For the reasons set forth in the Report and Recommendation, this Court denies Defendant’s motions to suppress evidence and statements. (Dkt. 260; Dkt. 262).

¹ Defendant’s pretrial motion to suppress evidence described in Field Interview Forms and Crime Investigation Reports (Dkt. 261) remains pending and was scheduled for an evidentiary hearing on February 7, 2022, but that hearing was adjourned to May 10, 2022 (Dkt. 627; *see* Dkt. 630 at 7).

SO ORDERED.



ELIZABETH A. WOLFORD
Chief Judge
United States District Court

Dated: March 21, 2022
Rochester, New York